



TOM DALY
CLERK-RECORDER

PROPERTY RECORDS
BIRTH AND DEATH RECORDS
MARRIAGE LICENSES/RECORDS
PASSPORTS
FICTITIOUS BUSINESS NAMES
NOTARY REGISTRATION
ORANGE COUNTY ARCHIVES

Secretary of State Debra Bowen
1500 11th Street
Sacramento, California 95814

Jan. 5, 2010

Subject: Comments in response to proposed addition of Title 2, Division 7, Chapter 15:
Trustworthy Electronic Document or Record Preservation, adding Sections
22620.1 through 22620.8

Dear Secretary of State Bowen,

Thank you for the opportunity to comment on the proposed revisions to the California Code of Regulations adding provisions for Trustworthy Electronic Document or Record Preservation.

Our concern from the outset of this regulatory process has been to preserve the flexibility of counties to decide the best measures for long-term storage and preservation of electronic records. We applaud the state's interest in promoting standards for guidance. We believe the latest iteration of these regulations provides that. Tying entities statewide to a set file format, as was originally proposed, would have cost governments tens of millions of dollars unnecessarily. The estimated software cost for our office alone was \$400,000; the state Office of Vital Statistics estimated its cost would have been at least \$10 million.

We have one lingering concern about the proposed regulations: They remain tied to a 2009 private industry document with conclusions that will become outdated as technology advances. We believe regulations benefit best by reflecting generally accepted industry practices, rather than being anchored to specific – and dated – technical mandates.

We appreciate your willingness to work with counties and other government entities to craft regulations that work for everyone, with the ultimate goal of preserving the integrity of California's public records.

Sincerely,

Tom Daly
Orange County Clerk-Recorder

cc/ Janet Nguyen, Chair, Orange County Board of Supervisors
Tom Mauk, CEO, County of Orange
Webster Guillory, Orange County Assessor

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